

### **REMARKS**

The foregoing amendments and these remarks are in response to the Office Action dated January 26, 2007. This amendment is timely filed.

At the time of the Office Action, claims 1-10 were pending in the application. In the Office Action, claims 1-10 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-4 and 8 were rejected under 35 U.S.C. §102(b). Claims 1-4, 7 and 8 were rejected under 35 U.S.C. §102(e). Claims 5, 6, 9 and 10 were indicated to be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims. The rejections are discussed in more detail below.

#### **I. Rejection under 35 U.S.C. §112, second paragraph**

Claims 1-10 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Appropriate corrections have been made to the claims. Accordingly, withdrawal of the rejection is respectfully requested.

#### **II. Rejections on Art and Allowable Subject Matter**

Claims 1-4 and 8 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,732,545 to Fredriksson ("Fredriksson"). Claims 1-4, 7 and 8 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Nos. 6,874,206; 6,568,165; and 5,724,804 to Smetz. Claims 5, 6, 9 and 10 were indicated to be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims. Applicant respectfully disagrees with the rejections on art and submits that the claimed combination defines over the cited references.

The combination described in claim 1 permits shortening of a chain by a shortening device which can be handled separately and, if desired, be coupled to and detached from a chain, as illustrated in the drawings Figures 3A-3F. None of the cited references suggests separate handling or coupling of a shortening device to a chain, in particular a chain which is already coupled at both ends, for example between a lifting device and an object to be lifted.

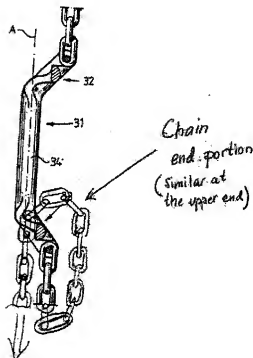
The advantages of such an arrangement is evident from the drawing Figures 3A-3F, in a lifting operation with only one strand of a chain, but also in cases as illustrated in Figures 4A and 4B illustrating lifting operations with four strands. Similar advantages will be obtained even when using two, three or more strands.

There is no prior art device available for the shortening of a chain, in particular a temporary or momentary shortening, in which a straight strand of a chain is formed into an elongated U-shaped loop with the two parts positioned closely together, wherein the shortening device permits the use of the device either without shortening or with an appropriate shortening of a suitable number of chain links, if desired. This operation (with a temporary but safely mounted shortening device) will considerably reduce the number of necessary elements. In prior art devices, each part of the chain has to be provided with an associated shortening device, because it is not possible to determine in advance which part of the strand will have to be shortened. With the presently described combination, it is possible to use only one or a small number of shortening devices, which can be used in a particular lifting operation and be moved from one strand to another when the need arises. Thus, it is possible to considerably reduce the number of shortening devices that have to be used.

Concerning Fredriksson, it is clearly stated in the disclosure that the device is to be used when connecting two end portions (of two different chains) to each other, in which it is desired to adjust the length of each chain end portion. Fredriksson fails to disclose a chain shortening device not requiring an anchoring device to secure the chain in place.

Fredriksson discloses a device for connecting two end portions of two different chains to each other and for adjusting the length of each chain end portion. Fredriksson also discloses that it is essential that the coupling link has two anchoring pins for anchoring and securing the end link of each chain end portion. (See, e.g., col. 1, lines 35-38.) In the arrangement disclosed in Figure 2 of Fredriksson, links 102-105 are all part of the same chain as link 101, which secures the chain via the anchoring pin 7 to the device disclosed in Fredriksson. A sketch of Figure 4 of Fredriksson follows, in which applicant has drawn the chains of the lower chain end portion, including a link being inserted in the corresponding pocket for shortening the lower chain.

Fig. 4



From this sketch, it is clear that the arrangement is quite different from that of the present application. For example, the loaded, straight part of the chain extends in the central plane A of the mid portion 34 of the shortening link. However, the anchoring pins and the respective end links of the two chain end portions are located at a distance sideways from this central plane A. In claim 1, on the other hand, the arrangement is the reverse, the links L2 and L12, are displaced sideways from the mid portion of the shortening device.

Furthermore, the shortening device recited in claim 1 does not require an anchoring pin to secure the chain to the shortening device. Instead, the dimensions of the shortening device are advantageously adapted for the specific dimensions of the chain to be shortened. In particular, the slot portions in the free ends of the device are adapted prevent a link from rotating in the device. Furthermore, the pocket portions adjacent to the slot portions secure the next link in the pocket portions due to gravity or the load on the chain. Therefore, the user of the claimed combination is not required to anchor one or more links to secure the chain in place during use.

There are also further differences between the devices disclosed by Fredriksson and that which is claimed by Applicant. The disclosed shortening link does not have first and second slot portions, as previously discussed, located at the free end portions of the C-shaped

body. The prior art device also does not have chain links which are located between the two selected links, can form either a straight chain portion, extending at the side of the elongated mid portion of the substantially C-shaped body, or a longer slack chain portion enabling the effective shortening of the associated (unitary) chain. Furthermore, this disclosed shortening device is not designed to be handled as a separate unit and to be inserted sideways onto an existing, associated chain for the purpose of shortening the effective length thereof.

Similar to Fredriksson, Smetz fails to disclose a chain shortening device not requiring a locking device to secure the chain in place. Smetz discloses a device for shortening the effective length of a chain, but also discloses that it is essential that the coupling link has a movable locking pin 11 to prevent the links from slipping through the apertures of the device. (See, col. 1, lines 55-67.) As illustrated in Figures 1-4 of Smetz, the user must push the spring-loaded pin 11 while threading the chain through the device through the apertures (12-15) becoming lined up for a chain, as illustrated in Figure 4. Once the sufficient length of chain is threaded, the user can release the pin 11, thus locking the current link in slot 12. In contrast, the shortening device recited in the present claims does not require a user to depress an pin to thread the chain or to secure the chain. Instead, the chain is secured in place using the pocket portions specifically tailored to the dimension of the chain. Therefore, the user of the claimed combination is not required to include an anchoring pin to secure the chain in place during use.

There are further differences between the devices disclosed by Smetz and the devices claimed herein. The device disclosed in Smetz is provided with a partition, including a slide member 11, dividing the widened mid portion into two separate components or apertures each accommodating a single chain link only. Additionally, the device disclosed in Smetz is not designed to be handled as a separate unit and to be inserted sideways onto an existing, associated chain for the purpose of shortening the effective length thereof. In order to remove the Smetz device, the locking pin must be removed. In contrast, the claimed device can be easily added and removed to a chain, without requiring insertion or removal of a locking pin.

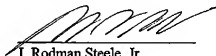
Accordingly, none of the cited references, alone or in combination, disclose or suggest every feature of amended independent claims 1. Applicant therefore respectfully submits that claim 1 is in condition for allowance. The dependent claims are also allowable due to their dependence on an allowable base claim, and due to the further features recited therein.

**III. Conclusion**

Applicants have made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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